

# DECLARATION AND POWER OF ATTORNEY

Docket No. 38-15(51091)B



As a below named inventor, I hereby declare that:

- (A) This declaration is for an original application.
- (B) My residence, post office address and citizenship are as stated below, next to my name.
- (C) I believe I am an original, first and sole inventor of the subject matter that is claimed and for which a patent is sought on the invention titled:  
**"Homologous Recombination – Mediated Transgene Deletion in Plant Cells"**  
the specification of which was filed on April 1, 2004 and received Serial No. 10/816,410
- (D) I have reviewed and understand the contents of the above-identified specification, including the claims.
- (E) I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.
- (F) I hereby claim the benefit under 35 U.S.C. § 120 of United States applications:  
**Serial No 09/801,261, filed March 7, 2001, issued as U.S. Patent 6,750,379  
which is a continuation in part of Serial No. 09/521,557 filed March 9, 2000 issued  
as U.S. Patent 6,580,019**
- (G) I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:
- |                                        |                                  |
|----------------------------------------|----------------------------------|
| Lawrence M. Lavin, Jr. Reg. No. 30,768 | Donna E. Scherer Reg. No. 34,719 |
| Thomas E. Kelley Reg. No. 29,938       | Todd M. Rands Reg. No. 46,249    |
| Dennis R. Hoerner, Jr. Reg. No. 30,914 |                                  |

- (H) **DECLARATION:** I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's signature

Larry A. Gilbertson

Date:

Country of Citizenship: USA

Residence : [Chesterfield MO]

Post Office Address: 131 Portico Dr.